

PTO-1390 (Rev.02-2005)
Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. TRANSMITTAL LETTER TO THE UNITED STATES **DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER VER-191XX

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

		10/538,531					
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED					
PCT/NL03/00884	12 December 2003	12 December 2002					
TITLE OF INVENTION CHOLESTEROL-LOWERING PREPARATION, FOOD SUPPLEMENT AND FOODSTUFF, AND METHODS FOR PREPARING SAME							
APPLICANT(S) FOR DO/EO/US  Josephus Jan Emeis, Christophe Lass	eur	i e					
		items and other information:					
·· <b>-</b>	olicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.						
3. This express request to begin national (5), (6), (9) and (21) indicated below.	This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items						
4. X The US has been elected (Article 31).							
5. A copy of the International Application	A copy of the International Application as filed (35 U.S.C. 371(c)(2))						
a. a is attached hereto (required	only if not communicated by the International Burea	u).					
b.  has been communicated by	the International Bureau.						
c. is not required, as the applica	c.  is not required, as the application was filed in the United States Receiving Office (RO/US).						
6. $\square$ An English language translation of the	International Application as filed (35 U.S.C. 371(c)(2	2)).					
a. is attached hereto.	a.  is attached hereto.						
b.  had been previously submitte	b. had been previously submitted under 35 U.S.C. 154(d)(4).						
7. Amendments to the claims of the Interr	national Application under PCT Article 19 (35 U.S.C.	. 371(c)(3))					
a. $\square$ are attached herewith (require	a. $\square$ are attached herewith (required only if not communicated by the International Bureau).						
b. have been communicated by	b.  have been communicated by the International Bureau.						
c. have not been made; however	c.  have not been made; however, the time limit for making such amendments has NOT expired.						
d. have not been made and will	not be made.						
8. An English language translation of the	amendments to the claims under PCT Article 19 (35	5 U.S.C. 371(c)(3)).					
9. An oath or declaration of the inventor(s	An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).						
10. An English language translation of the Article 36 (35 U.S.C. 371(c)(5)).	annexes to the International Preliminary Examinatio	n Report under PCT					
Items 11 to 20 below concern document(	s) or information included:						
11.	nder 37 CFR 1.97 and 1.98.						
12.	An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.						
13. A preliminary amendment.	A preliminary amendment.						
14. An Application Data Sheet under 37 CF	An Application Data Sheet under 37 CFR 1.76.						
A substitute specification.							
16. A power of attorney and/or change of a	A power of attorney and/or change of address letter.						
_	A computer readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.						
	A second copy of the published International Application under 35 U.S.C. 154(d)(4).						
	A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).						
20. X Other items or information: Copy of 371 Formalities Letter dated November 23, 2005							

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14 Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Number

EV 223331346 US

	U.S. APPLICATIO	.S. APPLICATION NO. (If known, see 37 CFR 1.5) INTERNATIONAL APPLICATION NO			ATTORNEY'S DOCKET NUMBER				
	10/538,531				VER-191XX				
	The foliowin	g fees have be	en submitted:				CAL	CULATIONS	PTO USE ONLY
	21. 🗆 Basi	c national fee			••••••	\$300.00	\$		
		nination fee							
	If International p	reliminary exan f PCT Article 30	nination report p 3(1)-(4)	repared	by USPTO and all claims	satisfy \$100.00			
	All other situation	ns				\$200.00	\$		
		ch fee	XX 1	41	-A	# IODTO			
	as an Intern	ational Searchir	ng Authority		nternational application to	\$100.00			
	International Se	arch Report pre	pared and prov	ided to th	e Office	\$400.00 \$500.00	\$		
		OTAL OF 21, 2				4000.00	\$		
	Additional fo	ee for specificat	tion and drawing	s filed in	paper over 100 sheets				
	(excluding s	(excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.							
	Total Sheets	Extra Sheets			Iditional 50 or fraction	RATE			
			thereof (ro		o a whole number)				
	- 100 =	/ 50 =		declarat	ion later than 30 months f	X \$250.00	\$	20.00	
	claimed priority	date (37 CFR 1	.492(h)).		on later than 50 months i	Tom the earliest	\$ 1.	30.00	
	CLAIM	S !	NUMBER FILED		NUMBER EXTRA	RATE			
	Total claims		- 20			X \$ 50.00	\$		
	Independent cla		- 3			× \$200.00	\$		
	MULTIPLE DEP	ENDENT CLAI	in(5) (ir applica	ole)	TOTAL OF ABOVE CAL	+ \$360.00		30.00	
	☐ Applican	t claims small (	antity status Se	27 CE	R 1.27. Fees above are r		\$	50.00	
	Д Арріісаі	it Claims Small t	entity status. Se		1.27. Pees above are i	SUBTOTAL =		30.00	
					slation later than 30 mon		S		
	the earliest clain		e (37 CFR 1.492	?(I)).		· Av	ľ		
					TOTAL NA	TIONAL FEE =	\$ 130.00		
1	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be					ust be	\$		
	accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				· · · · · · · · · · · · · · · · · · ·	\$ 13	30.00	····	
12/0	7/2005 MKAYPAGH 00000103 10538531					ount to be	\$		
	C:1617	. 00000100 100	130.00 OP					unded: ount to be	\$
OT 1			130.00 05					arged:	•
	a. A check in the amount of \$ 130.00 to cover the above fees, except assignment recordation, is enclosed.								
	A cned	k in the amoun	it of \$	is endos	ed for the assignment rec	ordation fee.			
	b. D Please	charge my De	posit Account N	0	in the amount	of \$ to	cove	r the above fees.	
	A dupl	icate copy of th	is sheet is enclo	sed.					
	c. 🗵 The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit								
	Deposit Account No. <u>23-0804</u> . A duplicate copy of this sheet is enclosed.								
	d. Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.								
	NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.  SEND ALL CORRESPONDENCE TO: which is associated with the Law Firm of:  WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP Ten Post Office Square Boston, Massachusetts 02109 United States Telephone: (617) 542-2290 Fax: (617) 451-0313								
							CLLP		
	Attorney Signature: Mark Date: 11-36-5								
	Attorney Name	: Charles L. C	agneoin III		Registration No: 25,	40/			



## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/538,531	Josephus Jan Emeis	VER-191XX
	Γ	INTERNATIONAL APPLICATION NO.
	_	DOTAH 02/00004

207 WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP TEN POST OFFICE SQUARE BOSTON. MA 02109 PCT/NL03/00884

I.A. FILING DATE PRIORITY DATE

12/12/2003 12/12/2002

CONFIRMATION NO. 4249
371 FORMALITIES LETTER
\*OC000000017504631\*

Date Mailed: 11/23/2005

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/10/2005
- Copy of the International Search Report filed on 06/10/2005
- Preliminary Amendments filed on 06/10/2005
- Information Disclosure Statements filed on 06/10/2005
- U.S. Basic National Fees filed on 06/10/2005
- Priority Documents filed on 06/10/2005

RECEIVED

NOV 28 2005

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath
  or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the
  missing items identified in this letter.

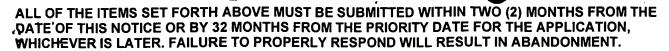
#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

\$130 Surcharge.

Express Mail Number

EV 223331346 US



The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,531	PCT/NL03/00884	VER-191XX

FORM PCT/DO/EO/905 (371 Formalities Notice)